

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALLAH,) CASE NO. C05-1480-MJP-MAT
Petitioner,)
v.) ORDER DISMISSING § 2254
DOUG WADDINGTON,) PETITION WITHOUT PREJUDICE
Respondent.)

)

The Court, having reviewed petitioner's petition for writ of habeas corpus, the Report and Recommendation of United States Magistrate Judge Mary Alice Theiler, Petitioner's objections to the Report and Recommendation, and the balance of the record, hereby finds and

ORDERS as follows:

(1) The Court adopts the Report and Recommendation. As Judge Theiler noted, the nature of Petitioner's claims is not clear. Furthermore, Judge Theiler provided Petitioner with the opportunity to clarify the nature of his claims and to demonstrate that he had properly exhausted his state court remedies, but Petitioner refused to do so. In his objections,

ORDER DISMISSING § 2254 PETITION
WITHOUT PREJUDICE
PAGE -1

01 Petitioner appears to complain that he was convicted and has been confined under the name
02 Edwin R. Coston (his birth name), rather than the name Allah. However, such a complaint
03 does not state a cognizable claim for habeas relief under 28 U.S.C. § 2254.

04 (2) Therefore, Petitioner's federal habeas petition is DISMISSED, without
05 prejudice, for failure to state a cognizable claim for federal habeas relief.

06 (3) The Clerk is directed to send copies of this Order to Petitioner and to the
07 Honorable Mary Alice Theiler.

08 DATED this 27th day of January, 2006.

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10 s/Marsha J. Pechman
11 MARSHA J. PECHMAN
12 United States District Judge
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